

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY LaBARBERA & FRANK FINKEL, :  
Plaintiffs, :  
:  
-against- : **ORDER ADOPTING SECOND**  
J&A CONCRETE CORP., : **REPORT AND RECOMMENDATION**  
Defendants : 07-CV-1731 (DLI)(JO)  
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**DORA L. IRIZARRY, U.S. District Judge:**

No objections have been filed to the Second Report and Recommendation of the Honorable James Orenstein, U.S.M.J., dated June 24, 2008, and, upon due consideration, the Second Report and Recommendation is hereby adopted in full. Accordingly, it is

ORDERED that the plaintiffs' motion for default judgment having previously been granted, the plaintiffs' supplemental motion for default judgment is granted and the plaintiffs' are awarded additional damages against the defendant in the amount of \$15,615.59, consisting of \$12,719.46 in unpaid contributions to the employee benefit funds, \$352.23 in interest on those contributions, and \$2,543.90 in additional damages, with post-judgment interest calculated in the manner provided by law. It is further

ORDERED that service of a copy of this Order on the defendant shall be made by the plaintiffs within five (5) days of the date of this Order and proof thereof shall be filed with the court via ECF immediately thereafter.

DATED: Brooklyn, New York  
July 22, 2008

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/s/  
DORA L. IRIZARRY  
United States District Judge